

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

<p>IN RE:</p> <p>FIBERCOMM, L.C., FOREST CITY TELECOM, INC., HEART OF IOWA COMMUNICATIONS, INC., INDEPENDENT NETWORKS, L.C., AND LOST NATION-ELWOOD TELEPHONE COMPANY,</p> <p style="text-align:right">Complainants,</p> <p style="text-align:center">vs.</p> <p>AT&T COMMUNICATIONS OF THE MIDWEST, INC.,</p> <p style="text-align:right">Respondent.</p>	<p style="text-align:center">DOCKET NO. FCU-00-3</p>
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**ORDER DOCKETING COMPLAINT AND
ESTABLISHING PROCEDURAL SCHEDULE**

(Issued September 18, 2000)

On August 16, 2000, FiberComm, L.C. (FiberComm), Forest City Telecom, Inc. (FCTI), Heart of Iowa Communications, Inc. (Heart of Iowa), Independent Networks, L.C. (IN), and Lost Nation-Elwood Telephone Company (Lost Nation) jointly filed a complaint against AT&T Communications of the Midwest, Inc. (AT&T). The complainants request Utilities Board (Board) action "prohibiting AT&T from withdrawing its interexchange services from the customers of complainants and other

similarly situated competitive local exchange carriers (CLECs) serving various portions of rural Iowa."

The complaint alleges that AT&T is attempting a unilateral and selective withdrawal from the interexchange market by instructing complainants to "cease routing all traffic to AT&T's network." According to attachments to the complaint, AT&T has refused to provide payment for billed originating and terminating access services rendered, arguing that it did not order the services from the complainants, and thus was not obligated.

The complaint alleges a violation of Iowa Code § 477.11 which provides that "Long distance companies shall furnish equal facilities to any local exchange within the state desiring same.....,"¹ a violation of Iowa Code § 476.8 which provides that "Every public utility is required to furnish reasonably adequate service and facilities,"² and an inconsistency with universal service principles by attempting to single out rural customers of CLECs.³

Rule 199 IAC 6.5(3) requires the Board to consider whether formal complaint proceedings should be initiated upon receipt of a request for formal complaint proceedings and to issue an order. The Board has determined that formal complaint proceedings should be initiated and will identify Docket No. FCU-00-3 for that purpose.

¹ Complaint, ¶ 16.

² Complaint, ¶ 17.

³ Complaint, ¶ 18.

The Board is interested in resolving these matters as quickly as possible. If a response has not already been filed, the Board will require that AT&T file a response to the complaint filed by the joint complainants within seven days of this order.

Following the response by AT&T, the Board will convene a meeting between each of the complainants, AT&T, and the Consumer Advocate Division of the Department of Justice (Consumer Advocate). This meeting, which is intended to clarify the facts and resolve differences, will be facilitated by the Board's staff. If no resolution can be reached through this process, the Board will set a schedule for a hearing to resolve this matter.

IT IS THEREFORE ORDERED:

1. The joint complaint filed on August 16, 2000, by FiberComm, L.C., Forest City Telecom, Inc., Heart of Iowa Communications, Inc., Independent Networks, L.C., and Lost Nation-Elwood Telephone Company against AT&T Communications of the Midwest, Inc., is docketed for investigation as Docket No. FCU-00-3.

2. The following procedural schedule is established for this proceeding:

a. AT&T Communications of the Midwest, Inc., shall file a response to the complaint within seven days of the issuance of this order, if one has not previously been filed.

b. A meeting will be convened on September 29, 2000, between FiberComm, L.C., Forest City Telecom, Inc., Heart of Iowa Communications, Inc., Independent Networks, L.C., and Lost Nation-Elwood Telephone

Company, AT&T Communications of the Midwest, Inc., and Consumer Advocate, to be facilitated by the Board's staff. The meeting will commence at 10 a.m. at the Board's offices at 350 Maple Street, Des Moines, Iowa.

c. After reviewing a staff report on the meeting, the Board will schedule a hearing, if necessary.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Raymond K. Vawter, Jr. /s/ Diane Munns
Executive Secretary

Dated at Des Moines, Iowa, this 18th day of September, 2000.